

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDWARD D. NELSON and ALLISON NELSON,
husband and wife,

Plaintiffs,

v.

SANDVIK MINING AND CONSTRUCTION,
INC., a corporation; FORGE WELKIN, INC., a
corporation; DRILTECH, INC., a corporation; and
ABC CORPORATION,

Defendants.

NO. 3:10-cv-05778 RBL

STIPULATION AND ORDER GRANTING
DEFENDANT SANDVIK MINING AND
CONSTRUCTION, USA, LLC'S MOTION
FOR PARTIAL SUMMARY JUDGMENT

I. STIPULATION

COME NOW the parties, by and through their respective attorneys of record, and hereby stipulate as follows:

1.1 Defendant Sandvik Mining and Construction, USA, LLC's Motion for Partial Summary Judgment, previously filed herein, should be granted in all respects.

1.2 Any and all claims of Plaintiffs herein based upon the alleged August 10, 2007 incident, and any and all resulting claimed injury(ies) and damages allegedly caused thereby; namely any and all medical expenses, costs, wage or other alleged economic loss, and any and all other request(s) for damages, including requests for exemplary/punitive damages, based upon

1 any alleged injury(ies) to Plaintiff Edward D. Nelson's right shoulder (or other alleged bodily
2 injury(ies) stemming from the alleged August 10, 2007 incident) and derivative claims based
3 thereon, should be dismissed with prejudice.

4 1.3 The subjoined Order below should be entered by the Court in this matter to reflect
5 that Defendant Sandvik Mining and Construction, USA, LLC's Motion for Partial Summary
6 Judgment, previously filed herein, is granted in all respects.

7 DATED this 7th day of June, 2012.

8 OGDEN MURPHY WALLACE, P.L.L.C.

THE PEARSON LAW FIRM, P.S.

9 By: s/Jeffrey D. Dunbar
10 Robert G. Andre, WSBA #13072
11 Jeffrey D. Dunbar, WSBA #26339
12 Attorneys for Defendant
Sandvik Mining and Construction USA,
LLC

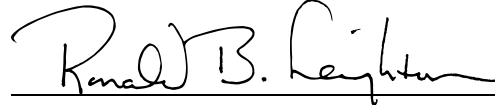
By: s/Jeffrey D. Dunbar, WSBA #26339 for
Jerald D. Pearson via e-mail authorization
Jerald D. Pearson, WSBA #8970
David Ranz, WSBA#40027
Attorneys for Plaintiffs

1 **II. ORDER**

2 THIS MATTER having come before the Court based upon the foregoing Stipulation of
3 the parties and the Court being otherwise fully advised in the premises, it is hereby

4 ORDERED ADJUDGED AND DECREED that Defendant Sandvik Mining and
5 Construction, USA, LLC'S Motion for Partial Summary Judgment, previously filed herein, is
6 GRANTED in all respects. Any and all claims of Plaintiffs herein based upon the alleged
7 August 10, 2007 incident, and any and all resulting claimed injury(ies) and damages allegedly
8 caused thereby; namely any and all medical expenses, costs, wage or other alleged economic
9 loss, and any and all other request(s) for damages, including requests for exemplary/punitive
10 damages, based upon any alleged injury(ies) to Plaintiff Edward D. Nelson's right shoulder (or
11 other alleged bodily injury(ies) stemming from the alleged August 10, 2007 incident) and
12 derivative claims based thereon, are DISMISSED WITH PREJUDICE.

13 DATED this 11th day of June, 2012.

14 

15 Ronald B. Leighton
16 United States District Judge

17 Presented by:

18 OGDEN MURPHY WALLACE, P.L.L.C.

19 By: s/Jeffrey D. Dunbar

20 Robert G. Andre, WSBA #13072
21 Jeffrey D. Dunbar, WSBA #26339
22 Attorneys for Defendant
23 Sandvik Mining and Construction USA, LLC
24
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1 Approved for Entry; Notice of
2 Presentation Waived:

3 THE PEARSON LAW FIRM, P.S.

4 By: s/Jeffrey D. Dunbar, WSBA #26339
5 for Jerald D. Pearson via e-mail authorization
6 Jerald D. Pearson, WSBA #8970
David Ranz, WSBA#40027
Attorneys for Plaintiffs